



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 2856-00
25 October 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps filed enclosure (1) with this Board requesting a better characterization of service than the general discharge issued on 18 August 1961.

2. The Board, consisting of Mr. Zsalman, Mr. Pfeiffer and Mr. McCulloch, reviewed Petitioner's allegations of error and injustice on 24 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps for three years on 19 August 1955 at age 17. On 25 March 1957 he received nonjudicial punishment for conduct to the prejudice of good order and discipline (drinking alcoholic beverages). The punishment imposed was a suspended reduction in rank to PVT (E-1). He was released from active duty on 18 August 1958 with his service characterized as being under honorable conditions. He was subsequently issued a general discharge on 18 August 1961 at the end of his military obligation.

d. Character of service is based, in part, on conduct and

proficiency averages which are computed from marks assigned during periodic evaluations. Petitioner's conduct and proficiency averages were 3.8 and 3.9, respectively. A minimum average mark of 4.0 in conduct was required at the time of his separation for a fully honorable characterization of service. A review of Petitioner's record reveals that he was evaluated in conduct on 11 occasions during his service. Five of the marks assigned were below 4.0. There are no disciplinary actions, counselings or other service record entries to explain why four of those adverse marks were assigned.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner served his entire enlistment with only one disciplinary action for a minor offense. In addition, there is no explanation in the record for the adverse marks or counseling entries warning him that he had to improve his behavior to earn an honorable characterization of service. Given the circumstances, the Board concludes that no useful service is now served by stigmatizing his service as less than fully honorable. Therefore, the record should be corrected to show that his service was characterized as honorable on his release from active duty on 18 August 1958 and that he was issued an honorable discharge at the end of his military obligation on 18 August 1961.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 18 August 1958 he was released from active duty with his service characterized as honorable, and that he was issued an honorable discharge on 18 August 1961, vice the release under honorable conditions and general discharge now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

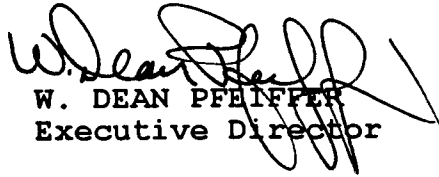
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section

6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director